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7 Attorney for Johnny Moore

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOHNNY MOORE,

15 Defendant.  
16

Case No. 2:15-cr-226-GMN-PAL

**UNOPPOSED MOTION TO**  
**CLARIFY OR IN THE**  
**ALTERNATIVE TO**  
**MODIFY CONDITIONS OF**  
**RELEASE**

**(EXPEDITED TREATMENT REQUESTED)**

17 COMES NOW, the Defendant Johnny Moore, by and through counsel of record, Raquel  
18 Lazo, Assistant Federal Public Defender, and hereby files this unopposed motion to clarify or  
19 in the alternative modify conditions of release. Government and defense counsel jointly request  
20 clarification and/or modification of the circumstances under which minor children can be  
21 present at Mr. Moore's residence.  
22

23 DATED this 30<sup>th</sup> day of March, 2016.

24 RENE L. VALLADARES  
Federal Public Defender

25 /s/ Raquel Lazo

26 RAQUEL LAZO,  
Assistant Federal Public Defender

1 On January 25, 2016, upon the parties' joint recommendation, Mr. Moore was released  
2 on a personal recognizance bond with conditions. *See* PR Bond (#58). Mr. Moore was released  
3 to his adult daughter's home. *Id.* at Condition #22. At the hearing, concerns were expressed  
4 regarding the fact that Mr. Moore has minor children and minor grandchildren. Specifically,  
5 the concern was that Mr. Moore's minor grandson resided at his daughter's residence. To  
6 alleviate this concern, defense counsel represented that the minor grandson would not be  
7 residing in the home. Accordingly, in addition to the standard no minor contact conditions  
8 (Condition #33), this court added a condition that any "children who previously resided in that  
9 residence shall not reside in the residence while defendant resides there subject to Pretrial  
10 Supervision." PR Bond Condition #74.

11 Mr. Moore has been residing at his daughter's house. Mr. Moore's grandson is often  
12 present at the home during the day. However, he never stays overnight. There is always an  
13 adult, oftentimes Mr. Moore's daughter, who is fully aware of the instant offense present at the  
14 home. Mr. Moore is mostly gone during the day because he works long hours.

15 Pretrial Officer Kapanui recently expressed concern that it was his understanding that  
16 this court did not want the grandson (or other children) present at the house even during the  
17 day. Defense counsel understood that children could be present during the day (with adult  
18 supervision) but could not spend the night.

19 Defense counsel has spoken to Mr. Moore's supervising pretrial officer out of Arizona.  
20 Officer Gilbert Lara has no opposition to minor children being present at the residence as long  
21 as 1) condition #33 is satisfied, and 2) no minor children, including Mr. Moore's grandson, are  
22 present at the residence between 9:00 p.m. and 7:00 a.m. Officer Lara advised that Mr. Moore  
23 has been compliant while under his supervision. He has been working long hours and  
24 oftentimes isn't even home until the late evening. Every time Officer Lara has conducted a  
25 home inspection, there has been an adult, other than Mr. Moore, who is aware of the instant  
26

1 offense present when minors were in the home. Furthermore, Mr. Moore is working towards  
2 securing his own residence.

3 The parties therefore request clarification of PR Bond Condition #74. To the extent the  
4 condition does not permit children to be present at the residence during the day, the parties  
5 would request the condition be modified to permit children to be present but not between the  
6 hours of 9:00 p.m. and 7:00 a.m. Defense counsel has spoken to government counsel. Ms. Herr  
7 has no opposition and defers to Officer Lara. All parties involved simply seek clarification of  
8 Condition #74, or in the alternative modification of the condition, so that this court's order can  
9 be clearly enforced and Mr. Moore can continue to comply with his bond release conditions.

10 DATED this 30<sup>th</sup> day of March, 2016.

11 Respectfully submitted,

12 RENE L. VALLADARES  
13 Federal Public Defender

14 By: /s/ Raquel Lazo  
15 RAQUEL LAZO  
16 Assistant Federal Public Defender  
17 Counsel for JOHNNY MOORE  
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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOHNNY MOORE,

7 Defendant.

Case No. 2:15-cr-226-GMN-PAL

~~PROPOSED ORDER~~

9  
10 IT IS HEREBY ORDERED that Defendant Johnny Moore's PR Bond Condition #74 is  
11 modified to permit minor children to be present at his daughter's residence except between 9:00  
12 p.m. and 7:00 a.m. Under no circumstances shall minor children stay overnight at this  
13 residence.

14 IT IS FURTHER ORDERED that Defendant Johnny Moore <sup>continues</sup> ~~continue~~ to be subject to  
15 all other conditions, including PR Bond Condition #33.

16 DATED this 30th day of March, 2016.

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19 UNITED STATES MAGISTRATE JUDGE